

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
EDGAR FERNANDEZ, on behalf of himself,
individually, and on behalf of all others similarly-
situated,

Plaintiff,

-against-

PINNACLE GROUP NY LLC,
and JOEL WIENER, individually,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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21 Civ. 10702 (AT)

ORDER

On May 10, 2023, Plaintiff, Edgar Fernandez, moved to conditionally certify the case “as a Fair Labor Standards Act (‘FLSA’) collective action consisting of ‘current and former employees of Defendants, who at any time between December 14, 2018, and the present, performed any work for Defendants as a superintendent and who consent to file a claim to recover damages for unpaid overtime compensation and liquidated damages that are legally due to them.’” ECF No. 70. Then, on July 28 and July 31, 2023, respectively, Defendants and Plaintiff each moved for summary judgment. ECF Nos. 86, 92.

After the summary judgment motions were fully briefed, on October 3, 2023, Plaintiff moved to strike four documents that he claims “Defendants submitted not just after the close of discovery, but, for three of the documents, after reviewing Plaintiffs’ moving and opposition summary judgment briefs.” ECF No. 120 at 1. Plaintiff also seeks “reasonable attorneys’ fees for being forced to make this motion.” *Id.* at 2.

The Court will resolve the motion to strike the evidence before it turns to resolving the summary judgment and certification motions. Accordingly, the Court will temporarily hold these motions in abeyance pending its decision on the motion to strike. The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 70, 86, and 92. The parties are encouraged to continue their settlement discussions in the interim.

SO ORDERED.

Dated: March 1, 2024
New York, New York



ANALISA TORRES
United States District Judge